

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JEAN LIN,

07-CV-3218 (RJH)

Plaintiff,

- against -

METROPOLITAN LIFE INSURANCE  
COMPANY,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: 6/11/08  
DATE FILED: 6/11/08

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**AMENDED PROPOSED SCHEDULING ORDER**

Defendant, METROPOLITAN LIFE INSURANCE COMPANY (hereinafter "Defendant" or "MetLife") and the Plaintiff, JEAN LIN, (hereinafter "Plaintiff"), respectfully submit the following amended proposed scheduling order:

1. Description of the Case

a. Attorneys

(Plaintiff): Ted Trief, Esq. and Eric Dinnocenzo, Esq.  
Trief & Olk  
150 East 58<sup>th</sup> Street – 34<sup>th</sup> Fl.  
New York, NY 10155

(Defendant): Alvin Pasternak, Esq. and Tomasita Sherer, Esq.  
Metropolitan Life Insurance Company  
One MetLife Plaza  
27-01 Queens Plaza North  
Long Island City, NY 11101

b. State the basis of Federal jurisdiction: Diversity jurisdiction

c. Briefly describe the claims asserted in the complaint and any counterclaims:

The plaintiff claims that the defendant has wrongfully refused to pay the proceeds of a life insurance policy taken on the life of her deceased husband. The defendant denies wrongful refusal to pay and has asserted a counterclaim for rescission and misrepresentation.

d. State the major legal and factual issues in the case:

The defendant claims that no payment is due on the policy, but has offered to return the premiums paid plus interest, on the grounds that the policyholder made material misrepresentations in his policy application, including but not limited to his failure to disclose treatment, attention and advice for his history of hepatitis B. The plaintiff claims that she should receive the full policy amount on the grounds that there was no material misrepresentation because the policyholder was told that he was cured of the hepatitis B virus, was not asked all of the questions in the application, and his life expectancy was not materially altered.

e. Describe the relief sought:

The plaintiff seeks full payment of the policy in the amount of one million (\$1,000,000.00) dollars.

2. Proposed Case Management Plan

- a. Identify all pending motions: None.
- b. Propose a cut off date for joinder of additional parties: 10/27/07
- c. Propose a cutoff date for amendments to pleadings: 12/27/07
- d. Propose a schedule for completion of discovery, including:
  - i. A date for Rule 26(a)(1) disclosures; if not previously completed;
  - ii. A fact discovery completion date: 1/27/08
  - iii. A date for Rule 26(a)(2) disclosures:  
2/27/08 (Plaintiff)  
3/27/08 (Defendant)
  - iv. An expert discovery completion date, including dates for delivery of expert reports: 5/27/08
- e. Propose a date for filing dispositive motions: 7/03/08
  - i. Pre-motion conference: 6/27/08 at 10:30 a.m. *- d*
- f. Propose a date for filing a final pretrial order: 8/01/08
- g. Propose a trial schedule, indicating:

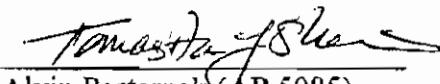
- i. Whether a jury trial is requested: Yes
- ii. The probable length of trial: 1 week
- iii. When the case will be ready for trial: 9/15/08

3. Consent to Proceed Before a Magistrate Judge: Indicate whether the parties consent unanimously to proceed before a Magistrate Judge: No
4. Status of Settlement Discussions:
  - a. Indicate whether any settlement discussions have occurred:  
The parties have discussed their respective views of the merits of the case. Plaintiff has not made a demand. Defendant has not made an offer.
  - b. Describe the status of any settlement discussions; and  
Please see section (a) above.
  - c. Whether parties request a settlement conference.  
No.

Dated: New York, New York  
June 5, 2008

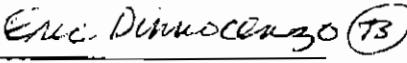
METROPOLITAN LIFE  
INSURANCE COMPANY

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Long Island City, NY 11101  
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TRIEF & OLK

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